women's side in the Wheelchair Division of the Boston Marathon.

Last year she finished second. This has added to her long list of accomplishments as a wheelchair competitor in races. She is a three-time Paralympic medalist. Again, she won the Boston Marathon yesterday.

As I said, Cheri Blauwet, whom I know well, is from Larchwood, IA. She is now a medical student at the Stanford University Medical School. We are all proud of Cheri and wish her the best as she continues to win more and more marathons.

PROPOSED FINAL REGULATIONS ON OVERTIME

Mr. HARKIN. Mr. President, the news reports of this morning are that the Department of Labor will shortly publish the final regulations regarding changing the overtime rules that have been in existence since 1938.

Frankly, given its past track record, the Bush administration is simply not trustworthy on this issue. This administration has gone out of its way, time and again, to undercut working families' rights to time-and-a-half pay for overtime.

Now, it is possible that the administration has had an election-year conversion on overtime, but I hope you will pardon me if I remain a little skeptical. I will remain skeptical until I see the regulations and have a chance to analyze them and read the fine print. I have asked the Department of Labor to provide me with a copy of the regulations this morning. I am eager to see them as soon as possible. As of a few minutes ago, they still have not been posted on the Department of Labor's Web site.

Let's be clear about one thing: The draft regulations that came out a year ago were a radical rewrite of the Nation's overtime rules and a frontal assault on the 40-hour workweek. Millions of American workers were slated to lose their right to time-and-a-half overtime pay as a result of those proposed regulations.

Since passage of the Fair Labor Standards Act in 1938, overtime rights and the 40-hour workweek have been sacrosanct, respected by Presidents of both parties—until now.

This administration rammed through these new regulations a year ago without a single public hearing. It has dismissed public opinion polls showing Americans' overwhelming opposition to changes in overtime law. The White House brushed aside the will of the Senate and the House, both of which voted in support of my amendment last year to block implementation of these new rules.

There is no question the proposed new rules will hurt job creation. If employers can more easily deny overtime pay, they will simply push their current employees to work longer hours without compensation. With 9 million Americans currently out of work, why give employers yet another disincentive to hire more workers?

Again, while a limited number of low-income workers technically were given the right to overtime pay—and that base was increased—at the same time, the Department of Labor also gave employers advice on how to avoid paying overtime compensation to the lowest paid workers. So the administration gave on the one hand and took it away with the other.

The Department of Labor is poised to issue its final regulations. But I can assure you, this will not be the final act. We will be back. I look forward to reading them. We will look over the fine print, as I said.

For example, last year when the proposed regulations came out, it took some months before everything came out about how bad these proposed regulations really were. So we are going to go over these proposed regulations and take a look at them.

But I know the administration yesterday and in a press report today said this is a good deal; they are going to expand the eligibility for overtime pay; this is going to include more people. Well, we heard the same kind of ''happy talk'' a year ago when they first put out the proposed regs. However, public exposure showed the real facts of the proposed regulations. Up to 8 million Americans were going to lose their right to overtime pay. Again, it is just one in a series of assaults on working Americans by this administration.

Again, if you look at this chart, the red line is what the White House forecast for job creation for 2002. The blue line is what they forecast in 2003. The purple line is what they forecast for 2004. Here is where we really are down here with the green line. So this is ''happy talk.'' The administration says, oh, they are going to forecast more jobs. It is all going to get better. But the facts are not so. Job creation has stayed stagnant. So when you hear all this ''happy talk'' about how these final new regulations on overtime are going to be so wonderful for everyone working in America, take a look at this chart. It is just more ''happy talk.''

We will look them over. But unless this administration has done almost a complete revision of what they proposed, we are going to still be back on the Senate floor asking that these rules not go into effect, and we will have a vote on that.

Finally, I think an article by Bob Herbert in the New York Times of April 5 says it all: ''We're More Productive. Who Gets the Money?'' What Mr. Herbert points out in his article is that an awful lot of American workers have been had, fleeced and taken to the cleaners, as he said. He said:

> . . . there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs.

He said: What happened to all the money from the strong economic growth? Well, he said:

> The bulk of the gains did not go to workers, ''but instead were used to boost profits . . . or increase C.E.O. compensation.''

Well, it is the first time on record where the bulk of the increase has gone to corporate profits and not to labor.

Mr. President, I ask unanimous consent this article of April 5 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 5, 2004]

WE'RE MORE PRODUCTIVE. WHO GETS THE MONEY?

(By Bob Herbert)

It's like running on a treadmill that keeps increasing its speed. You have to go faster and faster just to stay in place. Or, as a factory worker said many years ago, ''You can work 'til you drop dead, but you won't get ahead.''

American workers have been remarkably productive in recent years, but they are getting fewer and fewer of the benefits of this increased productivity. While the economy, as measured by the gross domestic product, has been strong for some time now, ordinary workers have gotten little more than the back of the hand from employers who have pocketed an unprecedented share of the cash from this burst of economic growth.

What is happening is nothing short of historic. The American workers' share of the increase in national income since November 2001, the end of the last recession, is the lowest on record. Employers took the money and ran. This is extraordinary, but very few people are talking about it, which tells you something about the hold that corporate interests have on the national conversation.

The situation is summed up in the long, unwieldy but very revealing title of a new study from the Center for Labor Market Studies at Northeastern University: ''The Unprecendented Rising Tide of Corporate Profits and the Simultaneous Ebbing of Labor Compensation—Gainers and Losers from the National Economic Recovery in 2002 and 2003.''

Andrew Sum, the center's director and lead authority of the study, said: ''This is the first time we've ever had a case where two years into a recovery, corporate profits got a larger share of the growth of national income than labor did. Normally labor gets about 65 percent and corporate profits about 15 to 18 percent. This time profits got 41 percent and labor [meaning all forms of employee compensation, including wages, benefits, salaries and the percentage of payroll taxes paid by employers] got 38 percent.''

The study said: ''In no other recovery from a post-World War II recession did corporate profits ever account for as much as 20 percent of the growth in national income. And at no time did corporate profits ever increase by a greater amount than labor compensation.''

In other words, an awful lot of American workers have been had. Fleeced. Taken to the cleaners.

The recent productivity gains have been widely acknowledged. But workers are not being compensated for this. During the past two years, increases in wages and benefits have been very weak, or nonexistent. And despite the growth of jobs in March that had the Bush crowd dancing in the White House halls last Friday, there has been no net increase in formal payroll employment since the end of the recession. We have lost jobs. There are fewer payroll jobs now than there were when the recession ended in November 2001.

So if employers were not hiring workers, and if they were miserly when it came to increases in wages and benefits for existing employees, what happened to all the money from the strong economic growth

The study is very clear on this point. The bulk of the gains did not go to workers, ''but instead were used to boost profits, lower prices, or increase C.E.O. compensation.''

This is a radical transformation of the way the bounty of this country has been distributed since World War II. Workers are being treated more and more like patrons in a rigged casino. They can't win.

Corporate profits go up. The stock market goes up. Executive compensation skyrockets. But workers, for the most part, remain on the treadmill.

When you look at corporate profits versus employee compensation in this recovery, and then compare that, as Mr. Sum and his colleagues did, with the eight previous recoveries since World War II, it's like turning a chart upside down.

The study found that the amount of income growth devoured by corporate profits in this recovery is ''historically unprecendented,'' as is the ''low share . . . accruing to the nation's workers in the form of labor compensation.''

I have to laugh when the I hear conservatives complaining about class warfare. They know this terrain better than anyone. They launched the war. They're waging it. And they're winning it.

Mr. HARKIN. Mr. President, again, we will look over these proposed regulations. But nothing the administration has done in the last couple, 3 years with regard to job creation, with regard to treating labor fairly in terms of getting its fair share of any economic gains, or the proposed regulations last year that would have literally cut off at the knees American workers' right to overtime pay changes my mind; I remain skeptical that this administration really wants to help work workers get overtime pay.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

THE TAX BURDEN IN AMERICA

Mr. CORZINE. Mr. President, first of all, let me congratulate the distinguished Senator from Iowa for pointing out and being so persistent in dealing with this issue of overtime pay and how working Americans are being treated by the economic policies of the current administration.

I have been on the Senate floor a number of times over the last several months talking about the status of the American economy—the job losses that we have had: 2 million, roughly, generally, and 2.6 million private sector jobs. We have talked about the pressure on the middle class. Good gracious, we are now talking about cutting overtime pay for 8 million working Americans in the middle class.

Goodness knows, the budget situation in this country, under this administration, has been a fiasco. We have gone from projections of $5.5 trillion worth of budget surpluses to $5 trillion of budget deficits over the next 10 years—$18,000 of debt per American to $24,000 now, and projections it will get up to $35,000 over the next 10 years—an incredible failure of economic policy.

But today I want to talk about another indicator that is showing the weaknesses and the failures of this policy. Last week, millions of Americans paid their income tax. A lot of us struggled to figure out how to do that and send it in by the April 15 deadline. But the fact is, when all is said and done, about 30 percent of Americans' income was paid in Federal, State, and local taxes—about 30 percent. But while the average American is paying 30 percent of their income in taxes, the majority of corporations are paying far less. In fact, about 60 percent of all corporations reporting income did not pay income tax at all. That is according to the General Accounting Office. Sixty percent of corporations did not pay any Federal tax at all.

Moreover, about 95 percent of corporations pay less than 5 percent of their income in taxes. As a share of corporate profits, corporate taxes are now at their lowest level since World War II. There has been a dramatic shift in the tax burden from corporations and high-income folks to those middle-class folks who are now going to have their overtime cut. It is an incredible change in the direction of this country and in fairness.

While corporate taxes have declined, as the good Senator from Iowa pointed out, corporate profits have increased dramatically over the last several years, much greater than wages. Median income during the Bush administration has fallen about 3 percent for the average worker in America. Corporate profits, by contrast, have increased by 26 percent. There has been a huge growth in corporate profits at the same time median income for working Americans is down. In other words, workers have received relatively little benefit from the increase in corporate profits. With all this ''hootin' and hollerin''' about GDP growth, it is not showing up in the paychecks of working Americans.

In the early 1990s, when you had an increase in the economy as we are seeing now, 60 percent of those increases in income went to wages, and about 40 percent went to corporate profits. In today's recovery, the one that has occurred over the last several years, only 13 percent has gone to working men and women, and almost 87 percent has gone to corporate profits or corporate wages, to the CEOs. It is incredible, 60 percent versus 13 percent. There is something afoul here.

It fits into an overall flow of facts that middle-class income workers are getting hurt in this economy. The fact is, we have seen median income decline 3 percent for the average worker in America. And by the way, at the same time income has fallen for real families in America, the costs are going up. For example, a couple of items that go on in everybody's budget: Health insurance is up 14 percent at the same time these median incomes are going down. Corporate profits are going up. Gasoline prices are up 19 percent. College tuition, something that gives access to the American promise, is up 28 percent at the same time. I hate to get into property taxes, but in many parts of our country, all we have done is shift the tax burden from the Federal Government to the local level. The Bush record includes income falling for middle-income families and rising costs on things that matter in their lives.

It is incredible, particularly when put in the context that we haven't been creating jobs. The fact is, we have 8.4 million Americans without jobs. That is the latest survey. We have been hearing a lot of hootin' and hollerin' about growth and jobs. There are 8.4 million Americans without jobs. That is 2.4 million more jobs lost during this administration's tenure and stewardship of the economy. Something is wrong here. Income is going down. Jobs are going down. Costs are going up.

What is happening is we are putting incredible pressure on the average American. By the way, even when people get jobs after they have lost a job, there is an incredible loss of real income for those individuals. That is how that median income came down.

According to survey, for workers who lost jobs in 2001, the average salary was $44,570. Today, for those who have found jobs, the average salary an individual ultimately was able to get was $35,410. That is another 21-percent drop for those people who lost jobs and then ultimately reentered the workforce.

We have median income going down. We see job losses going up. We see corporate profits going up, and no sharing of that going on in the economy.

There is a real problem. The administration's proposals and policies have done an incredible job of actually undermining the well-being and quality of life for middle-income Americans.

Many people have different views about fairness, but since the tax date was last week and we talked about the fact corporations are not paying their fair share, I want to mention the fact for the middle 20 percent of Americans, a range of people who have an adjusted gross income from filings and income tax, the average tax break for that middle 20-percent, middle-class America, was $647. That is not something to throw out the window, but it is not a great amount of money given what tuition costs are doing, and given gasoline prices and health care costs. But it is a break. But if you were in the top 1 percent of Americans, on that same scale of adjusted gross income, you got an average tax break of about $35,000.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SARBANES. Mr. President, I yield the Senator 1½ minutes of the time allocated to me.

Mr. CORZINE. I thank the Senator from Maryland.

Finally, if you look at those individuals in America who have been blessed